

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTOINE WAINWRIGHT,)	
)	
Plaintiff,)	
)	
vs.)	Civil Case No. 04-183-GPM
)	
EUGENE McADORY, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is a *sua sponte* recommendation that plaintiff's claims against defendants Dr. Jovita Anyanwa and Dr. Faisal Ahmed be dismissed without prejudice for lack of service of process.

On March 1, 2005, the U.S. Marshals Service was appointed to serve process (Doc. No. 10). Rule 4(m) of the Federal Rules of Civil Procedure provides that, if service is not made within 120 days, the court shall dismiss without prejudice as to that defendant or direct that service be effected within a specified time, provided that if there is a showing of good cause, the time for service shall be extended for an appropriate period. Fed. R. Civ. P. 4(m).

Plaintiff is entitled to rely on the U.S. Marshals Service to serve process. In *Graham v. Satkoski*, 51 F.3d 710, 712 (7th Cir.1995), the U.S. Marshals Service failed to serve former prison employees and the record indicated that "no effort was made to ascertain the defendants' new locations." The Court of Appeals held that the district court erred by not questioning the sufficiency of the Marshals Service's efforts to locate the former prison employees, and remanded the case for the district court to evaluate the Marshals Service's efforts. *Id.* at 213.

The U.S. Marshals Service made reasonable efforts to locate and serve defendants Dr. Jovita Anyanwa and Dr. Faisal Ahmed. Efforts to locate and serve these defendants were made at addresses provided by plaintiff and at addresses obtained from other sources. These defendants could not be located.

IT IS RECOMMENDED that plaintiff's claims against defendants Dr. Jovita Anyanwa and Dr. Faisal Ahmed be DISMISSED without prejudice for lack of service of process.

SUBMITTED: January 2, 2007.

s/ Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE